

REMARKS

Elections/Restrictions

The Examiner states that claims 1-62 are pending in this application, and has required restriction of these claims, under 35 U.S.C. § 121, into eighteen groups of inventions.

The Examiner asserts that the claims in Groups III, IV, VI, VII and VIII and the claims in Groups I, II, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII and XVIII are related as products and processes of use. The Examiner contends that a search for the invention of the two Groups would be burdensome because each of the products can be used in a materially different process and thus have acquired a separate status in the art.

In response, and without acquiescing to the Examiner's assertions relating to material distinctness, applicants elect with traverse the subject matter of Group XIII for further prosecution in this application. Group XIII includes claims 44 and 53. They are drawn to methods of preserving cognitive function in a mammal in need thereof, comprising the step of administering a pharmaceutical composition of claim 38 to said mammal. Because the elected method claims specifically recite the use of a product of claim 38, that claim should not be subject to restriction from the claimed process of Group XIII. Further, for the same reason, there is no additional search burden to include claim 38 with claims 44 and 53. Applicants request, therefore, that the Examiner reconsider the restriction and include claim 38 (Group VII) within the subject matter to be examined in this application.

Species Election

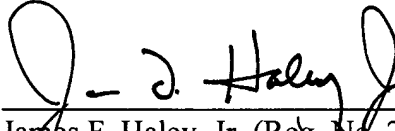
The Examiner also contends that for certain Groups a single species must be elected. For Group VII, the Examiner requires an election of a single compound. Applicants elect 2-propylpentanoate as the elected species.

Appln. No. 10/722,357
Response dated March 21, 2007
Response to Restriction Requirement of September 21, 2006

Applicants make these elections expressly without waiver of their right to file for and to obtain claims directed to the non-elected subject matter in divisional or continuing applications claiming priority and benefit herefrom, or, subject to allowance of a generic claim, to consideration of the other claims depending from or otherwise including all the limitations of the allowable claims in this application.

Applicants request favorable consideration and early allowance of the elected claim.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)

Attorney for Applicants

c/o Fish & Neave IP Group
ROPES & GRAY LLP
Customer No. 1473
1211 Avenue of the Americas
New York, New York 10036
Tel.: (212) 596-9000
Fax.: (212) 596-9090